

## **ORDINANCE NO. 06-10**

### **AN ORDINANCE ESTABLISHING THE POLICIES AND PROCEDURES FOR THE PROVISION OF REFUSE SERVICE BY THE VILLAGE**

**WHEREAS**, the Village provides refuse collection, water and sewer, and refuse collection services (herein “utility services”) in the Village; and

**WHEREAS**, the Village desires to amend, update and standardize the policies and procedures regulating the provision of refuse collection service in the Village through the creation of appropriate codes pertaining to the provision of refuse collection service to: 1) facilitate the fair and equitable provision of refuse collection service; and 2) delineate the Village’s obligation to provide refuse collection service; and

**WHEREAS**, the Village desires to formalize and codify its policies and procedures with respect to the provision of Refuse Service provided by the Village; and

**WHEREAS**, this ordinance sets forth the Village’s policy with regard to policies and procedures for the provision of refuse collection service by the Village.

**WHEREAS**, unless specifically required or prohibited by this ordinance, the Village shall have the authority to interpret this ordinance, to implement the intent and purpose of this ordinance to provide safe, reliable, and efficient delivery of utility service, and the Village shall have the discretion and authority to grant relief from the strict application of this ordinance in those situations where the Village determines such relief is warranted for the safe, reliable, and efficient operation of the utility service; and

**NOW, THEREFORE, BE IT ORDAINED**, by the Council of the Village of Covington, Ohio:

**SECTION ONE:** The Village of Covington hereby enacts the following refuse collection regulations applicable to the provision of Refuse Collection Service by the Village.

#### **Provisions Related to Refuse Collection Service**

(a) This section is enacted to preserve and promote the public health, safety, and welfare by establishing minimum standards for the storage, collection, transportation, and disposal of acceptable and unacceptable waste in order to maintain a sanitary environment for the residents of the Village. Whenever this section conflicts with any other portion of the Village Code, this section shall prevail with respect to any matters relating to acceptable or unacceptable waste generated at residential units or places of business.

(b) The rates for the provision of refuse collection service have been

established by separate ordinance which may be amended from time to time.

(c) If any portion, section, or part of a section of this refuse collection Code is declared by a court of competent jurisdiction to be invalid, illegal, or void, such declaration shall be limited to that portion, section, or part of a section that was directly involved in the controversy before the court upon which judgment was rendered, and shall not affect or impair the validity of the remainder of the refuse collection Code.

## **Definitions for Purposes of Refuse Collection**

- (a) Acceptable Waste - means that portion of the waste stream that is normally disposed of by occupants of premises within the Village, including common waste, yard waste, recyclables, white goods, and bulk refuse.
- (b) Bagging Up - means placing acceptable common household waste into plastic bags prior to placement in the village provided toter.
- (c) Bulk Refuse - means items which are acceptable waste, with the exclusion of yard waste, that requires special collection arrangements due to size, weight, or shape, including, but not limited to appliances, air conditioners, hot water heaters, bathtubs, furniture, mattresses, or box springs.
- (d) Common Household Waste - means waste originating from residential or small business premises and includes, but is not limited to fiber material, paper, cardboard, packaging, cans, bottles, jars, food wastes, and other similar materials.
- (e) Construction, Remodeling, and Demolition Waste - means all waste building materials, rubble, and spoils resulting from construction, remodeling, repair, and demolition operations on buildings, dwelling units, places of business, garages, pavements, streets, alleys, trenches, ditches, underground utilities, excavations, and other structures, including, but not limited to roofing, concrete and cinder block, plaster, lumber, structural steel, plumbing fixtures, electrical wiring, heating and ventilation equipment, windows and doors, interior finishing materials such as carpet, woodwork and cabinets, siding, sheathing, and aged railroad ties.
- (f) Hazardous Waste - means any chemical, compound mixture, substance, or article which has been designated by the United States Environmental Protection Agency or an appropriate agency of the State to be hazardous, including, but not limited to flammables such as paint, gasoline, lacquer thinner, or any container that once contained these materials, as well as propane tanks, gun powder, and other explosives, and automobile batteries.
- (g) Illegal Dumping - means Open Dumping, as defined in Ohio Revised Code Section 3734.01(I), improper disposal of acceptable and unacceptable waste, as defined in this Chapter, and Littering, as defined in this Chapter.
- (h) Littering - means throwing or dropping acceptable or unacceptable waste into the waterways or onto public or private property of this Village.
- (i) Medical Waste, Infectious Waste - If any other governmental agency or unit having appropriate jurisdiction determines that substances which are not as-of-yet medical waste, are in fact medical waste, then any such substances or materials should thereafter constitute medical waste. "Medical Waste" includes,

but is not limited to:

1. Cultures and stocks of infectious agents and associated biologicals;
  2. Laboratory wastes that were, or are likely to have been, in contact with infectious agents that may present a substantial threat to public health if improperly managed;
  3. Pathological wastes;
  4. Waste materials from the rooms or humans, or the enclosures of animals, that have been isolated because of diagnosed communicable disease that are likely to transmit infectious agents;
  5. Human and animal blood specimens and blood products that are being disposed of, not including patient care waste such as bandages or disposable gowns that are lightly soiled with blood or other body fluids.
  6. Contaminated carcasses, body parts, and bedding of animals that were intentionally exposed to infectious agents during research, production, of biologicals, or testing of pharmaceuticals, and carcasses and bedding of animals otherwise infected that may present a substantial threat to public health if improperly managed;
  7. Sharp wastes such as hypodermic needles, syringes, scalpel blades used in the treatment, diagnosis, or inoculation of human beings or animals or that have, or are likely to have come in contact with infectious agents in medical research or industrial laboratories and which must be placed into puncture-resistant containers before disposal;
  8. Any other waste materials generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals that the public council created in the Ohio Revised Code Section 3701.33;
  9. Any other waste materials the generator designates as infectious waste.
- (j) Open Dumping - means the putting of acceptable or unacceptable waste into a body or stream of water or onto the surface of ground at a site that is not licensed as a solid waste facility under the Ohio Revised Code Section 3734.05.
- (k) Waste Container – means village provided container for acceptable waste and recyclable materials. (Toter)
- (l) Point of Collection - means the area of right-of-way adjacent to, or within

one (1) foot of paved or traveled roadways (including alleys).

(m) Recyclable Materials - means materials that have been separated out of common household waste, including, but not limited to: aluminum cans, bi-metal cans, glass containers, polyethylene terephthalate (PET) plastic beverage containers, high-density polyethylene (HDPE), corrugated paper (cardboard and paper boxes), magazines, computer printout paper, computer tab cards, steel cans, newspaper, and paper products not chemically coated.

(n) Recycling Bins/Containers - means plastic receptacles, provided by the Village, used exclusively for designated recyclable materials.

(o) Refrigerants and items containing chlorofluorocarbons or their substitutes means refrigerators and other devices utilizing either chlorofluorocarbons as a coolant or the substitutes for chlorofluorocarbons which are subject to special handling requirements.

(p) Unacceptable Waste - means that portion of the waste stream that will not be collected by the Village and which may or may not be collected by an authorized, licensed commercial waste hauler. If any other governmental agency or unit having appropriate jurisdiction determines that substances which are not as of yet considered harmful, toxic, or dangerous are in fact harmful, toxic, or dangerous or are hazardous or harmful to health, then any such substances or materials should thereafter constitute unacceptable waste. "Unacceptable Waste" includes, but is not limited to:

1. Medical waste, infectious waste;
2. Radioactive waste;
3. Hazardous waste;
4. Explosive materials;
5. Liquid waste including motor oil;
6. Asbestos;
7. Whole and shredded tires;
8. Lead acid batteries;
9. Drums and barrels;
10. Motor vehicles or major parts thereof;
11. Equipment or machinery;

12. Construction, remodeling, and demolition waste;
13. Refrigerants or items containing chlorofluorocarbons (CFC's) or their substitutes;
14. Ashes of any kind;
15. Offal or animal wastes, byproducts, or hide trimmings;
16. Animal carcasses other than those that are in the public right-of-way;
17. Contaminated soil;
18. Shredder fluff from shredding automobiles, light-duty trucks, motor vehicle engines, household appliances, white goods, and other miscellaneous metal parts; and
19. Other items as may be determined by the Village Management.

(q) White Goods - are a type of Bulk Refuse that may be recycled or resold, including, but not limited to large, enameled appliances such as clothing washers and dryers, dish washers, electrical heaters, hot water heaters, stoves, and ovens.

(r) Yard Waste - means all garden residue, leaves, grass clippings, shrubbery and tree prunings, holiday trees, tree trimmings, and other plant waste generated as a result of gardening, landscaping, or similar activity.

### **Duties of the Public/Commercial Customers Storage and Disposal of Waste**

(a) General Duty for Acceptable Waste. It shall be the duty of any person at all times to cause Acceptable Waste generated at premises to be contained for collection and disposed by the Village or an authorized, licensed commercial waste hauler in a manner that does not violate this Section.

(b) General Duty for Unacceptable Waste. It shall be the duty of any person at all times to cause Unacceptable Waste generated at Premises to be contained for collection and disposal by an authorized, licensed commercial waste hauler in a manner that does not violate this Section.

(c) Duty to Provide Adequate Interim Acceptable Waste Storage. Each Customer shall be required to provide interim storage of Acceptable Waste generated or found upon the property in waste and recyclable containers provided by the village, except for bulk and white goods, during the time between collections from such property.

(d) Removal of Containers. Property owners/occupants shall remove any

waste container(s) from the point of collection (public right-of-way) within twenty-four (24) hours of the collection and store such containers until twelve (12) hours prior to the next scheduled collection.

(e) Any person who fails to place waste container(s), yard waste, and recyclables at the point or points of collection on the scheduled day and by the scheduled time shall either:

1. Dispose of the uncollected Acceptable Waste generated on the premises, other than bulk and white goods, within twenty-four (24) hours of the scheduled day and time at the expense of said person; or

2. Remove any waste container(s), including yard waste and recyclables receptacle(s) from the point of collection within twenty-four (24) hours subsequent to the scheduled collection time, store such receptacles until twelve (12) hours prior to the next scheduled collection, and return the receptacle or container to the point or points of collection no more than twelve (12) hours before the next scheduled day and time of collection.

(f) Duty to Keep Collection Area Free of Debris and Spillage. It shall be the duty of the property owner and/or occupant(s) to keep the designated point of collection and the surrounding area free of debris, spillage, and other overflow.

(g) Duty to Collect and Dispose of Items After Eviction.

1. It shall be the duty of any owner or lessor of any premises in the Village where a court supervised set-out is performed in any eviction action to keep on their property any Acceptable or Unacceptable Waste and to dispose of the same in accordance with this Code.

2. When a court supervised set-out is performed in any eviction action, it shall be the duty of the plaintiff in such action to promptly notify the Village of the date and time of such set-out.

3. The Customer and/or the Property Owner(s) shall be responsible for all costs incurred associated with the removal of any Acceptable Waste by the Village.

(h) Collection of Refrigerants and Items Containing Chlorofluorocarbons (CFC's) or Their Substitutes.

1. It shall be the duty of any person to properly dispose of any refrigerant or item containing Chlorofluorocarbons (CFC's) or their substitute pursuant to Ohio Revised Code Section 3767.29.

2. It shall be the duty of any person to arrange for an authorized, licensed commercial waste hauler, or other authorized entity, to perform such services to collect and dispose of refrigerants and items containing Chlorofluorocarbons or their substitutes at the resident's expense.

(i) **Building or Remodeling: Duty of Owners.** Any owner shall provide for or secure service with an authorized, licensed commercial waste hauler for property storage, collection, and disposal of construction and demolition waste generated at or incident to the building or remodeling process. In addition, said owner shall provide or have said hauler provide storage capacity which is sufficient to contain the construction and demolition waste between disposal service and shall keep such storage capacity for the duration of the project.

(j) The Village shall provide seasonal Yard Waste (grass clippings) collection from approximately March 1st through December 1st. The Village shall collect Yard Waste (grass clippings) in village approved Yard Waste Containers. Tree limbs and shrubbery shall be cut in lengths not to exceed four (4) feet and shall be tied or wired in bundles not more than eighteen (18) inches in diameter and not to weigh over 75 pounds. The Village Management shall establish a schedule for the collection of Yard Waste.

(k) The Village, at its discretion, may provide for curbside collection of brush and other debris from vegetation landscaping that does not fit in approved Yard Waste collection receptacles. Such brush collection service shall be provided at the discretion of the Village Management. The occupants of the Premises must call and notify the Village whenever brush needs to be collected.

(l) **White Goods.** It shall be the duty of any person to contact the Village for pick up of such White Goods. A fee of \$5.00 must be pre paid at the Village Government Center. Collection arrangements for such White Goods will be on the 1<sup>st</sup> and 3<sup>rd</sup> Friday of each month.

(m) No person shall dump, deposit, place, or cause to be dumped, deposited, or placed upon any public property, any Acceptable or Unacceptable Waste, except in authorized containers in accordance with this Code.

(n) **Noncompliance.** Any person disposing of Acceptable or Unacceptable Waste generated at premises in violation of this Chapter shall be subject to the penalties set forth herein, and shall retain ownership of and responsibility for such waste until such waste is properly disposed.

### **General Prohibitions**

(a) **Prohibitions** - No person, firm, or corporation shall, within the limits of the Village, engage in any of the following act or acts:

1. **Littering:** No person shall deposit, scatter, or leave upon any public street or private or public property, any garbage, trash, debris, refuse, or other offensive material within the Village. All such items shall be deposited with the Village in accordance with the regulations provided for refuse collection.

2. Burning or Burying: No person shall, within the limits of the Village, throw any Acceptable or Unacceptable Waste upon the ground, or bury the

same on any premises, or burn the same except in a heating plant so designated as to thoroughly consume the same without causing a nuisance of smoke, ash, odor, or fire hazard. Waste paper, leaves, or household refuse may be burned within the Village in such manner and mode as Council shall provide by regulation.

3. Private Collection: No person shall collect or deposit refuse of another for payment or for any other consideration, and the Village is hereby designated authorized collector of all Acceptable Waste. Private individuals, firms, or corporations may, if desired, remove all Unacceptable Waste or waste not collectable by the Village produced by themselves and may privately dispose of same either by themselves or by private collection.

4. License: All persons, firms, and corporations transporting and/or disposing of refuse for hire within the Village shall be registered with and approved by the Village. This subsection shall not apply to any persons transporting and/or disposing of waste produced on the premises of such person, and shall not apply to any governmental agency.

5. Waste Storage: No person shall store or accumulate, or permit to be stored or accumulated, any Acceptable or Unacceptable Waste generated at residential units and/or upon premises under his or her control, except such waste that is stored in containers as required and authorized by this Chapter.

6. Improper Disposal of Acceptable or Unacceptable Waste. Any person violating this Section shall be in violation of this Chapter and shall be penalized according to this Chapter.

7. Obstructing Passage of Village Waste Collection Vehicles.

a. The passage of refuse collection vehicles through the streets and alleys of the Village shall not be obstructed in any manner, including, but not limited to obstructions caused by the placement of parked vehicles, obstructing vegetation, or improperly strung wires or cables.

b. It shall be the duty of any owner, lessor, tenant, agent, or lessee in charge of the obstructing vehicles, vegetation, wires, or cables to remove, cause to be removed, or cause to be set at an appropriate height, such obstruction when the Village Management determines that such removal or height adjustment is reasonable and necessary.

c. The Village accepts no responsibility for damage caused by refuse collection vehicles to obstructing vegetation, vehicles, or improperly strung wires or cables.

8. Scavenging - No person shall remove any Acceptable or Unacceptable Waste set out for collection by the Village or an authorized, licensed commercial waste hauler under contract with the Village, unless such person has been authorized to do so by the Village, the owner of such waste, or the authorized, licensed commercial waste hauler.

### **Duties of the Village**

(a) General Duties.

1. Acceptable Waste. It shall be the duty of the Village to cause the collection and disposal of Acceptable Waste generated at premises in the Village that is properly disposed of in conformance with this ordinance. Any Acceptable Waste generated at premises in the Village set out for collection and disposal by the Village shall become the property of the Village upon collection. The Village will only collect Acceptable Waste generated at premises in the Village.

2. Unacceptable Waste - The Village does not collect Unacceptable Waste for disposal. Disposal of Unacceptable Waste shall be the responsibility of the property owner or occupant. Unacceptable Waste shall be disposed in accordance with the provisions of this Chapter.

(b) Point of Collection.

1. When the Village determines prior to collection that an item is Unacceptable Waste, the Village shall notify the property owner. The property owner shall be responsible for securing an authorized, licensed commercial waste hauler to properly collect and dispose of the Unacceptable Waste.

2. If the owner cannot be determined, the Village shall notify the appropriate enforcement agency to have the matter investigated for remediation.

3. Inadvertently Collected. When the Village inadvertently collects Unacceptable Waste, and the Village can identify the property or owner from which the Unacceptable Waste was collected, the Village shall invoice the owner for all collection and disposal costs the division and/or the appropriate enforcement agency incurs.

(c) No person, other than the Village, shall have the right to collect Acceptable Waste from any point of collection, residential unit, or premises, lot, street or alley, public or private, in the Village or transport said Acceptable Waste in any

manner along the streets, highways, or alleys, or on public or private property within the Village.

(d) Frequency of Collection. The Village shall collect not less than once per calendar week, except during weeks in which a Village-declared holiday is observed, an emergency is declared, or severe weather or other extenuating circumstances exist.

(e) Time of Collection. In residential areas, collection shall be completed between the hours of seven a.m. and three thirty p.m., unless the Mayor determines that these hours should be altered, extended, or restricted due to an emergency, severe weather, or other extenuating circumstances. Summer collection hours will be between six a.m. and two thirty p.m. Summer collection hours start the week after Memorial Day and end the week after Labor Day.

(f) Collection Days. Collection will be on Monday, Tuesday, and Wednesday of each week. Monday pickup will be South Broadway and East of High Street to Broadway and High intersection. Tuesday pickup will be West of High Street and North of Broadway including Ullery Street east to corporation. Wednesday pickup will be Wenrick Street, Brookston area and the businesses. If a legal holiday falls on any of these days, pickup will be the following day. The Mayor may alter, extend, or restrict these days due to an emergency, severe weather, or other extenuating circumstances.

(g) Disposal of Dead Animals. The Village shall provide for the collection and disposal of animal carcasses within the Village right-of-way or Village-owned property.

### **Penalty**

Whoever violates or fails to comply with any of the provisions of this ordinance is guilty of a minor misdemeanor and shall be fined not more than one hundred fifty dollars (\$150.00) for each separate offense. Each day of failing to comply with any of the provisions herein shall constitute a separate offense.

**SECTION TWO:** Ordinance Numbers\_\_\_\_\_, previously adopted by the Council, are hereby repealed and of no further force or effect to the extent they are inconsistent with the terms and provisions of the ordinance hereby adopted.

**SECTION THREE:** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council, and of any of its committees, that resulted in such formal action, were conducted in meetings open to the public, in compliance with all legal requirements.

**SECTION FOUR:** If any section, subsection, paragraph, clause, or provision or any part thereof of this ordinance shall be finally adjudicated by a court of competent

jurisdiction to be invalid, the remainder of this ordinance shall be unaffected by such adjudication, and all the remaining provisions of this ordinance shall remain in full force and effect as though such section, subsection, paragraph, clause or provision, or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

**SECTION FIVE:** That this ordinance shall take effect June 1, 2010.

**PASSED,** \_\_\_\_\_

MAYOR

ATTEST:

, FISCAL OFFICER

APPROVED AS TO FORM:

, VILLAGE ATTORNEY